

Tanner	Traficant	Weldon (PA)
Tauscher	Turner	Weller
Tauzin	Upton	Wexler
Taylor (MS)	Velazquez	Weygand
Taylor (NC)	Vento	White
Thomas	Visclosky	Whitfield
Thompson	Walsh	Wicker
Thornberry	Wamp	Wise
Thune	Waters	Wolf
Thurman	Watkins	Woolsey
Tiahrt	Watt (NC)	Wynn
Tierney	Watts (OK)	Young (AK)
Torres	Waxman	Young (FL)
Towns	Weldon (FL)	

## NAYS—7

Blunt	Paul	Schaffer, Bob
Hulshof	Royce	
Neumann	Sanford	

## NOT VOTING—12

Andrews	Heger	Mollohan
Engel	Hoekstra	Schiff
Green	Lantos	Spratt
Hefner	Matsui	Yates

□ 1758

Mr. ROYCE changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1031

Mrs. CLAYTON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1031, the American Community Renewal Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### PERMISSION FOR COMMITTEE ON BANKING AND FINANCIAL SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 2, HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services may file a supplemental report, Part II, to the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, Report No. 105-76.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

□ 1800

#### GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 680.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the re-

quest of the gentleman from Tennessee?

There was no objection.

#### PASS PRODUCT LIABILITY REFORM

(Mrs. NORTHUP asked and was given permission to address the House for 1 minute and to include extraneous material.)

Mrs. NORTHUP. Mr. Speaker, a couple of weeks ago, a number of female trial lawyers approached Members of Congress to press the message that product liability reform is bad for women.

As the House Committee on Commerce begins to hold hearings on product liability reform tomorrow, I want to enter into the RECORD information and documents that show not only is that message false, but it is being organized by the Association of Trial Lawyers of America, a group that strongly opposes even modest product liability reform.

In fact, Mr. Speaker, there is no group that is more harmed by the current product liability laws than women. This is true for two reasons. First of all, in terms of health, the fear of lawsuits has halted research and kept products off the market that would give many women better opportunities and remedies, things like contraceptives, breast reconstruction, and other products that are badly needed for women's health.

Second, the majority of newly created small businesses today, for the first time, are women owned. There is no group that is more impacted by product liability than small business owners. So this system is a threat to women who are beginning small businesses.

Mr. Speaker, I hope for these reasons that we will soon be able to consider and pass product liability reform.

#### HOW PRODUCT LIABILITY REFORM HELPS WOMEN

Federal product liability reform legislation includes modest reforms on key issues of product liability. These reforms will help to solve some of the problems inherent in our current liability system. The reforms apply across the board and do not impact any one group—especially women. Women will benefit in many ways from the enactment of these fair and well-reasoned reforms.

#### FEDERAL PRODUCT LIABILITY REFORM WILL REDUCE GENDER BIAS IN RESEARCH AND PRODUCT INNOVATION

Women in America have been deprived of a drug (Bendectin) approved everywhere in the world to prevent morning sickness because of a liability system out of control.

Contraceptive research is often put on hold due to liability concerns. The Committee for Contraceptive Development, jointly staffed and administered by the National Research Council and the Institute of Medicine, notes that only one major U.S. pharmaceutical company still invests in contraceptive research due to liability concerns. The Committee cited a hostile legal climate as the reason contraceptive manufacturers are abandoning this market.

Reports published in the New England Journal of Medicine (July 22, 1993) concluded

that manufacturers' liability concerns are contributing to the exclusion of women from clinical studies.

Phyllis Greenberger, Executive Director of the Society for the Advancement of Women's Health Research, testified before the Senate Commerce Committee in the 104th Congress that "liability concerns are stifling research and development of products for women."

#### PRODUCT LIABILITY REFORM WILL HELP WOMEN IN BUSINESS

Women-owned businesses increased by almost 58 percent from 1982-1987 and currently account for 30 percent of all U.S. firms. The U.S. Small Business Administration predicts that women will own 40 percent of all small businesses by the year 2000.

Small businesswomen will run up against the same insurance and liability pressures that face all small businesses. Federal product liability reform legislation will help ease those barriers to commerce and competition.

In Senate Commerce Committee testimony, Schutt Sporting Group CEO Julie Nimmons—one of two remaining U.S. manufacturers of football helmets—stated: "our employees hold their breath every time a case goes to the jury, because a runaway award could mean the end of our company."

In House testimony, Livernois Engineering Co. President Norma Wallis stated that her company and the entire U.S. machine tool industry as a whole "is made less competitive by the product liability system."

#### VICTIMS OF DES WILL BE HELPED, NOT HURT BY FEDERAL PRODUCT LIABILITY REFORM

In over 20 years of litigation, punitive damages have never been awarded in a DES case. In fact, because DES manufacturers have not been shown to have acted in conscious or flagrant disregard of public safety, no judge has even put the question of punitive damages before a jury in a DES case. Consequently, the punitive damages reforms will not have an adverse effect on DES plaintiffs.

On the other hand, DES victims who discovered their injuries after expiration of their state's statute of limitation would have court house doors opened to them. Under the proposed federal legislation, a woman would have up to two years to file a lawsuit after she discovers or should have discovered both the injury and its cause. Because many effects of pharmaceuticals used by women may not be readily apparent, this provision is especially important in preserving the rights of women to recovery for injuries.

#### THE PROPOSED BILL DOES NOT DISCRIMINATE AGAINST WOMEN

Federal product liability reform legislation follows a provision of California law on the topic of joint liability. The provision was voted into California law by over 60 percent of those voting in 1986. It has been argued by opponents that the provision is "anti-women" because their economic damages may be lower than men and, for that reason, they depend on noneconomic or so-called "pain and suffering" damages. However, there has been absolutely no showing in California, a large and litigious state, that the California approach discriminates against any sex or any group. In fact, noted California trial attorney Suzelle Smith has testified that the California law is fair and has worked well for consumers. The California Supreme Court has upheld the California law on equal protection grounds under the California and the United States Constitutions. Nebraska enacted the same reform in 1991 after carefully studying various joint liability reform alternatives.

Several states have enacted limits on punitive damages and those laws have never been